

600 Lexington Avenue, 8th Floor
New York, NY 10022

Direct: 212-897-9659
Email: eabbot@hpylaw.com

February 2, 2021

VIA ECF

Hon. Laura T. Swain
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

MEMO ENDORSED

**RE: *Victor Lopez v. Timberland LLC*
Case No. 19-cv-11769-LTS-OTW
Fourth Unopposed Letter Motion to Stay Case**

Dear Judge Swain:

As you know, I represent Defendant, VF Outdoor, LLC (“VF Outdoor”), in this case. I write with the consent of Plaintiff’s counsel to request a further stay of all proceedings in this case. This request is made to permit the Court and the parties to benefit from a forthcoming ruling by the Second Circuit.

As background, the above-captioned case is before the Court along with two related matters (*Lopez v. Vans, Inc.*, Case No. 1:19-cv-11809-LTS-OTW and *Lopez v. VF Outdoor, LLC d/b/a The North Face*, Case No. 1:19-cv-11768-LTS-OTW) in which Plaintiff asserts that VF Outdoor has violated the Americans with Disabilities Act, the New York State Human Rights Law, and the New York City Human Rights Law with respect to the gift cards associated with its the North Face, Timberland, and Vans brands. Pursuant to a prior ruling of the Court, this case is currently stayed until February 4, 2021.

As discussed in the parties’ prior request to stay filed on July 30, 2020 (Doc. No. 17), the parties sought a stay of this case pending a decision from the Second Circuit in the consolidated appeal in *Marcos Calcano v. Swarovski North America Limited*, Case No. 20-1552 (formerly consolidated under *Himelda Mendez v. Ann Taylor, Inc.*, 20-1550), which the parties believe will directly impact this case. The Second Circuit heard argument in the *Calcano* appeal on January 13, 2021.

As such, with a decision from the Second Circuit forthcoming, the parties believe that a continued stay of the instant case favors judicial economy, in that it will allow the Court and the parties to benefit from consideration of the same legal issues to be presented to and ultimately decided by the Second Circuit. A stay also allows the parties and the Court to conserve resources

by avoiding potentially unnecessary briefing at a time when both Court staff and counsel are continuing to work under many unusual constraints necessitated by the COVID-19 pandemic.

For these reasons, the parties respectfully request that the Court extend the stay in this case for an additional ninety (90) days. If the Second Circuit has not reached a decision by May 4, 2021, the parties will reassess whether the stay should continue and will file a status report updating the Court accordingly.

Respectfully submitted,



Edward P. Abbot, Esq.

HAWKINS PARNELL & YOUNG, LLP

cc: Bradley Gurion Marks, Esq. (via ECF)

The foregoing request is granted. DE# 22 resolved.

SO ORDERED.

2/2/2021

/s/ Laura Taylor Swain, USDJ